

AGENDA ITEM SUMMARY

Staff Contact Person: K. Marlene Conaway

AGENDA ITEM # _____

MONROE COUNTY YEAR 2010
COMPREHENSIVE PLAN AMENDMENT
FUTURE LAND USE
MAP AMENDMENT
FROM
RESIDENTIAL CONSERVATION(RC) TO
RESIDENTIAL MEDIUM (RM)

**BOARD OF COUNTY COMMISSIONERS
KEY WEST
OCTOBER 19, 2005**

MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT

A REQUEST BY CANDUS ANDRUS, RICHARD AND ANN BUCKHOLZ, AND FREDERICK ZYDECK TO AMEND THE FUTURE LAND USE MAP (FLUM) FROM RC TO RM FOR RE #'S 00200790.000000, 00200800.000000, 00200810.000000 and 00200820.000000 OF BREEZESWEPT BEACH ESTATES, RAMROD KEY.

RECOMMENDATIONS

Staff: Approval
DRC: Approval
PC: Approval

June 2, 2005
June 9, 2005
July 13, 2005

Staff Report
Resolution #D 20-05
Resolution #P 47-05

BOCC TRANSMITTAL RESOLUTION

RESOLUTION NO. -2005

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **TRANSMITTING** TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS THE REQUEST BY CANDUS ANDRUS, RICHARD AND ANN BUCKHOLZ, AND FREDERICK ZYDECK TO AMEND THE FUTURE LAND USE MAP (FLUM) OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FOR THE FOLLOWING PROPERTIES FROM RESIDENTIAL CONSERVATION (RC) TO RESIDENTIAL MEDIUM (RM). THE PROPERTIES ARE PHYSICALLY LOCATED ON TRINIDAD ROAD AND ARE LEGALLY DESCRIBED AS BLOCK 1 LOTS 1, 2, 3, AND 4 BREEZESWEPT BEACH ESTATES, PB4-143, RAMROD KEY, MONROE COUNTY, FLORIDA. THE REAL ESTATE NUMBERS ARE 00200790.000000, 00200800.000000, 00200810.000000 AND 00200820.000000, AT APPROXIMATE MILE MARKER 27.5.

WHEREAS, the Monroe County Board of County Commissioners held a public hearing for the purpose of considering the transmittal to the Florida Department of Community Affairs for review and comment of a proposed amendment to the Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, changing the future land use designation of the properties described above; and

WHEREAS, the Planning Commission and the Monroe County Board of County Commissioners support the requested future land use map designation change; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Section 1. The Board of County Commissioners does hereby adopt the recommendations of the Planning Commission pursuant to the draft ordinance for adoption of the proposed Future Land Use Map amendment.

Section 2. The Board of County Commissioners does hereby transmit the proposed amendment as part of the first (1st) set of comprehensive plan amendments for 2006 to the Florida Department of Community Affairs for review and comment in accordance with the provisions of Chapter 163.3184, Florida Statutes; and

Section 3. The Monroe County staff is given authority to prepare and submit the required transmittal letter and supporting documents for the proposed amendment in accordance with the requirements of 9J-11.006 of the Florida Administrative Code; and

Section 4. The Clerk of the Board is hereby directed to forward a certified copy of this resolution to the Director of Planning.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the ____ of _____, 2005.

Mayor Dixie Spehar	_____
Mayor Pro Tem Charles "Sonny" McCoy	_____
Commissioner George Neugent	_____
Commissioner David P. Rice	_____
Commissioner E. Nelson	_____

BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA

BY _____
Mayor Spehar

(Seal)

ATTEST: DANNY L. KOLHAGE, CLERK

Deputy Clerk



BOCC Ordinance to Amend the
Future Land Use District Map
(FLUM)

ORDINANCE NO. -2005

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST BY CANDUS ANDRUS, RICHARD AND ANN BUCKHOLZ, AND FREDERICK ZYDECK TO AMEND THE FUTURE LAND USE MAP (FLUM) OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FOR THE FOLLOWING PROPERTIES FROM RESIDENTIAL CONSERVATION (RC) TO RESIDENTIAL MEDIUM (RM). THE PROPERTIES ARE PHYSICALLY LOCATED ON TRINIDAD ROAD AND ARE LEGALLY DESCRIBED AS BLOCK 1 LOTS 1, 2, 3, AND 4 BREEZESWEPT BEACH ESTATES, PB4-143, RAMROD KEY, MONROE COUNTY, FLORIDA. THE REAL ESTATE NUMBERS ARE 00200790.000000, 00200800.000000, 00200810.000000 AND 00200820.000000, AT APPROXIMATE MILE MARKER 27.5.

WHEREAS, the Monroe County Board of County Commissioners, during a regular meeting held on October 19, 2005 conducted a review and consideration of the request filed by Candus Andrus, Richard and Ann Buckholz, and Frederick Zydeck to amend the Future Land Use Map designation of the following properties from Residential Conservation (RC) to Residential Medium (RM). The Land Use designation of each Lot is Improved Subdivision (IS). The properties are physically located on Trinidad Road and are legally described as Block 1 lots 1, 2, 3, and 4 Breezeswept Beach Estates, PB4-143, Ramrod Key, Monroe County, Florida. The Real Estate Numbers are 00200790.000000, 00200800.000000, 00200810.000000 and 00200820.000000, at approximate mile marker 27.5; and

WHEREAS, at its June 9, 2005 meeting in Marathon, the Development Review Committee (DRC) reviewed the application and recommended approval of this Future Land Use Map amendment as indicated in the DRC Resolution D20-05; and

WHEREAS, based on the recommendation of the Development Review Committee, the staff recommended approval of the application to the Planning Commission; and

WHEREAS, the Planning Commission held a public hearing in Key Colony on July 13, 2005 and based on the facts presented at the meeting, the Planning Commission recommended approval of the request as indicated in Resolution No. P47-05; and

WHEREAS, after further review of the application and consideration of facts, staff recommended approval to the Board of County Commissioners as indicated in the Staff Report dated September 29, 2005; and

WHEREAS, the Board of County Commissioners further reviewed the application and made the following **Finding of Facts**:

1. **The Advanced Identification of Wetlands (ADID) study**, mandated by the 2010 Comprehensive Plan, placed these lots within the ‘low quality’ disturbed wetland category. Development requires permits from Florida Department of Environmental Protection (FDEP) and the U.S. Army Corps of Engineers (ACOE).
2. Pre-1986 zoning of the subject property was **two family residential district RU-2**. **The purpose of RU-2** zone was to provide residential areas in which duplexes may be constructed and occupied.
3. During the 1986 Comprehensive Plan process, the land use (zoning) district designation of the subject property was changed to **Native Area (NA)**.
4. **Section 9.5-210 states that the purpose of the NA district** is to establish areas that are undisturbed with the exception of existing solid waste facilities and because of their sensitive environmental character should be preserved in their natural state.
5. BOCC Resolution No. 157-1991, signed on April 24, 1991, changed the land use district from Native Area (NA) to Improved Subdivision (IS).
6. **Section 9.5-213 states that the purpose of the IS district** is to accommodate the legally vested residential rights of the owners of lots in subdivisions that were lawfully established and improved prior to the adoption of this chapter.
7. **Section 9.5-511(d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
8. This map amendment is predicated on item number **iii and iv of Section 9.5-511(d)(5)** which cites “data errors” and “new issues” as viable reasons to pursue a map amendment and zoning change.
9. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan shows that the lots with the IS designation in Breezeswept Beach Estates, received a FLUM designation of **Residential Medium (RM)**, consistent with their zoning district. However, these lots received the **Residential Conservation (RC)** designation, which corresponded with the land use district of Native Area.
10. **Based on Policy 101.4.1** of the Comprehensive Plan, the principal purpose of the Residential Conservation land use category is to encourage preservation of open space and natural resources while providing for very low-density residential development in areas characterized by a predominance of undisturbed native vegetation.

11. The proposed **Residential Medium (RM) FLUM** category corresponds with the existing **Improved Subdivision (IS)** designation.
12. **Policy 101.4.3 states that the principle purpose of the Residential Medium land use category** is to recognize those portions of subdivisions that were lawfully established and improved prior to the adoption of this plan and to define improved subdivisions as those lots served by a dedicated and accepted existing roadway, have an approved potable water supply, and have sufficient uplands to accommodate the residential uses.
13. **Goal 105 of the Comprehensive Plan states** that Monroe County shall undertake a comprehensive land acquisition program and smart growth initiative that recognizes that finite carrying capacity for new development in the Florida Keys.
14. **Policy 105.2.1** states that Monroe County shall designate all lands outside of mainland Monroe County into three general categories: Natural Area (Tier I); Transition and Sprawl Reduction (Tier II); and Infill Area (Tier III).
15. **Policy 105.2.1** further describes Tier III lands as areas where new development and redevelopment are to be highly encouraged.
16. **Goal 102** of the Comprehensive Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands. The proposed map amendment proposes no expansion of the development into the environmentally sensitive lands.
17. **Objective 101.11** of Comprehensive Plan states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
18. **The 2005 Public Facilities Capacity Assessment Report** and the listed programs on stormwater and wastewater indicate that there are no significant concerns regarding impacts on public facilities; and

WHEREAS, the Board of County Commissioners made the following **Conclusions of Law:**

1. The lots are 'low quality' wetlands, as are many other developed lots in the subdivision. Permits required for development of such parcels include payment of mitigation monies into the Florida Keys Environmental Restoration Trust Fund, which will be utilized for wetland restoration and enhancement while designed to result in 'no net loss' of overall wetland habitat and function.

2. This map amendment meets the third (iii) and fourth (iv) criteria outlined in **Section 9.5-511** of the Monroe County Land Development Regulations and will not have a negative impact or alter the character of the properties or the immediate vicinity.
3. The proposed map amendments are supported by and consistent with **Goal 105 and Policy 105.2.1**, which will ultimately encourage development to an appropriately designated infill area, and hence away from an otherwise environmentally sensitive area.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Section 1. The Board specifically adopts the findings of fact and conclusions of law stated above.

Section 2. The previously described properties, which are currently designated Residential Conservation (RC) shall be designated Residential Medium (RM) as shown on the attached map, which is hereby incorporated by reference and attached as Exhibit 1.

Section 3. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan shall be amended as delineated in Section 2 above.

Section 4. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. All ordinances or parts of ordinance in conflict with this ordinance are hereby repealed to the extent of said conflict. The repeal of an ordinance herein shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

Section 6. This ordinance does not affect prosecutions for ordinance violations committed prior to the effective date of this ordinance; does not waive any fee or penalty due or unpaid on the effective date of this ordinance; and does not waive any fee or penalty due or unpaid on the effective date of this ordinance; and does not affect the validity of any bond or cash deposit posted, filed, or deposited pursuant to the requirements of any ordinance.

Section 7. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission Approving the ordinance.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the 19th day of October, A.D., 2005.

Mayor Dixie M. Spehar _____

Mayor Pro Tem Charles "Sonny" McCoy _____

Commissioner George Neugent _____

Commissioner P. David Rice _____

Commissioner Murray E. Nelson _____

COMMISSIONERS

BOARD OF COUNTY

OF MONROE COUNTY,
FLORIDA

BY _____
Mayor Spehar

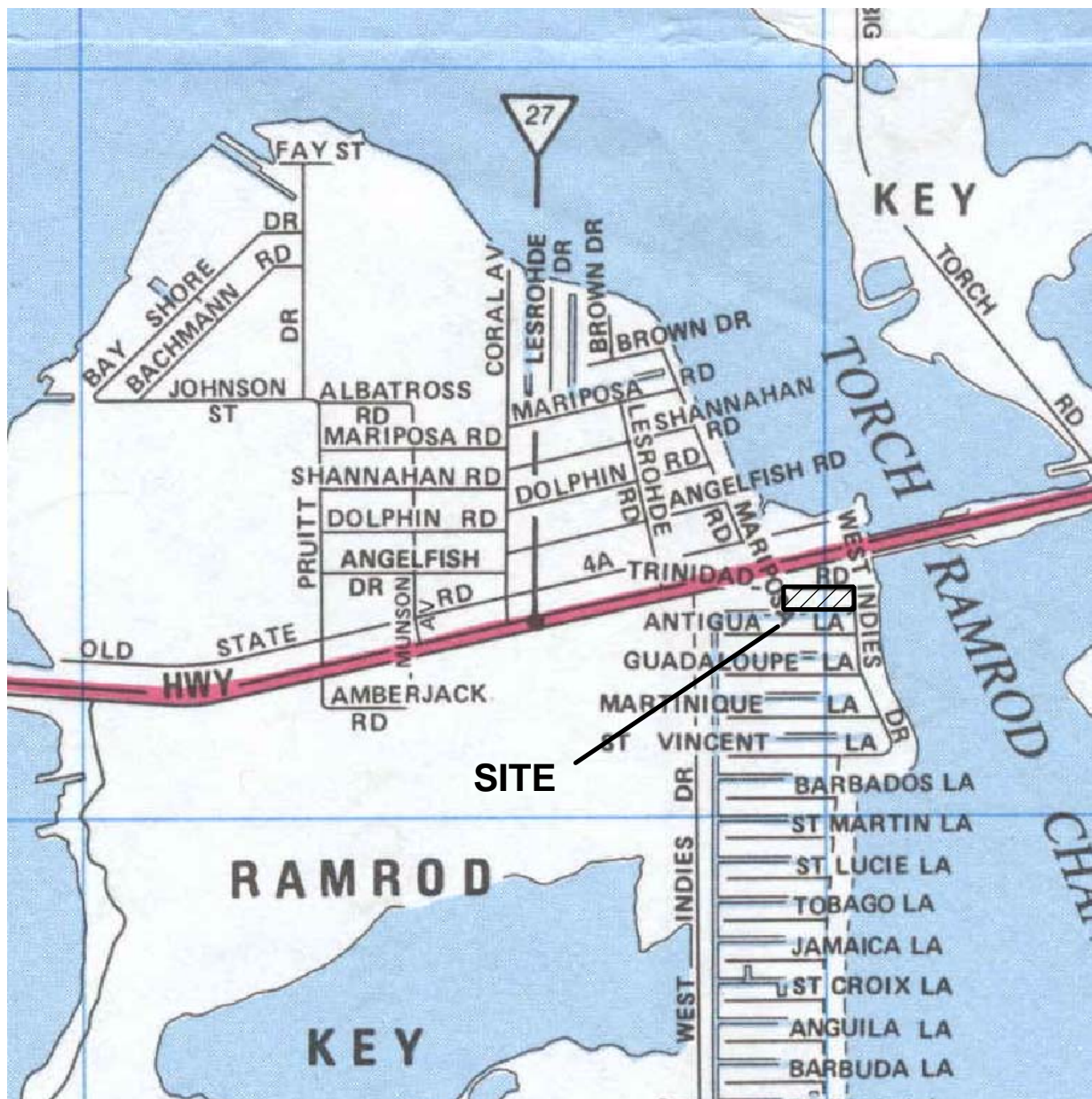
(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

DEPUTY CLERK



EXHIBIT ONE



Proposed Future Land Use Map Amendment: Street Map

Key: Ramrod Key

Mile Marker: 27.5

Proposal: Change Future Land Use District from Residential Conservation (RC) to Residential Medium (RM).

Property Description: RE 00200790.000000, 00200800.000000, 00200810.000000, 00200820.000000

Map Amendment: M25072

Land Use District Map #: 387





Proposed Future Land Use Map Amendment: Aerial

Key: Ramrod Key

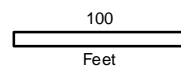
Mile Marker: 27.5

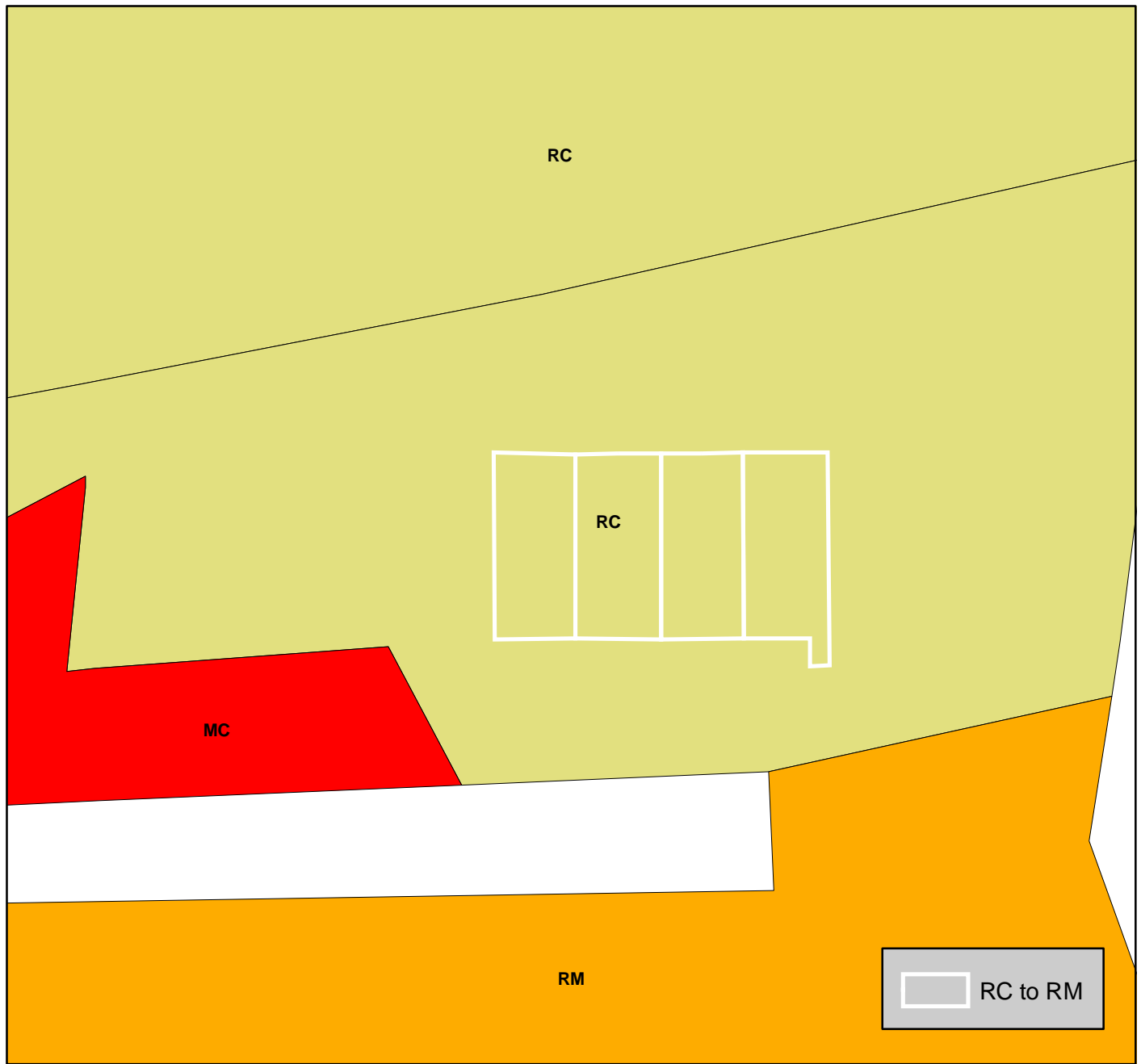
Proposal: Change Future Land Use District from Residential Conservation (RC) to Residential Medium (RM).

Property Description: RE 00200790.000000, 00200800.000000, 00200810.000000, 00200820.000000

Map Amendment: M25072

Land Use District Map #: 387





**The Monroe County Year 2010 Comprehensive Plan
Future Land Use Map is proposed to be amended as
indicated above and briefly described as:**

Key: Ramrod Key

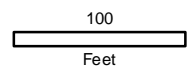
Mile Marker: 27.5

Proposal: Change Future Land Use District from Residential Conservation (RC) to Residential Medium (RM).

Property Description: RE 00200790.000000, 00200800.000000, 00200810.000000, 00200820.000000

Map Amendment: M25072

Land Use District Map #: 387



PLANNING COMMISSION
RESOLUTION # P 47-05

PLANNING COMMISSION RESOLUTION NO. 47-05

A RESOLUTION BY THE PLANNING COMMISSION **APPROVING** THE REQUEST BY CANDUS ANDRUS, RICHARD AND ANN BUCKHOLZ, AND FREDERICK ZYDECK TO AMEND THE FUTURE LAND USE MAP (FLUM) OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FOR THE FOLLOWING PROPERTIES FROM RESIDENTIAL CONSERVATION (RC) TO RESIDENTIAL MEDIUM (RM). THE PROPERTIES ARE PHYSICALLY LOCATED ON TRINIDAD ROAD AND ARE LEGALLY DESCRIBED AS BLOCK 1 LOTS 1, 2, 3, AND 4 BREEZESWEPT BEACH ESTATES, PB4-143, RAMROD KEY, MONROE COUNTY, FLORIDA. THE REAL ESTATE NUMBERS ARE 00200790.000000, 00200800.000000, 00200810.000000 AND 00200820.000000, AT APPROXIMATE MILE MARKER 27.5.

WHEREAS, the Planning Commission, during a regular meeting held on October 19, 2005 conducted a review and consideration of the request filed by Candus Andrus, Richard and Ann Buckholz, and Frederick Zydeck to amend the Future Land Use Map designation of the following properties from Residential Conservation (RC) to Residential Medium (RM). The Land Use designation of each Lot is Improved Subdivision (IS). The properties are physically located on Trinidad Road and are legally described as Block 1 lots 1, 2, 3, and 4 Breezeswept Beach Estates, PB4-143, Ramrod Key, Monroe County, Florida. The Real Estate Numbers are 00200790.000000, 00200800.000000, 00200810.000000 and 00200820.000000, at approximate mile marker 27.5; and

WHEREAS, at its June 9, 2005 meeting in Marathon, the Development Review Committee (DRC) reviewed the application and recommended approval of this Future Land Use Map amendment as indicated in the DRC Resolution D20-05; and

WHEREAS, based on the recommendation of the Development Review Committee, the staff recommended approval of the application to the Planning Commission; and

WHEREAS, after further review of the application and consideration of facts, staff recommended approval to the Planning Commission as indicated in the Staff Report dated June 22, 2005; and

WHEREAS, the Planning Commission further reviewed the application and made the following **Finding of Facts**:

1. **The Advanced Identification of Wetlands (ADID) study**, mandated by the 2010 Comprehensive Plan, placed these lots within the ‘low quality’ disturbed wetland category. Development requires permits from Florida Department of Environmental Protection (FDEP) and the U.S. Army Corps of Engineers (ACOE).
2. Pre-1986 zoning of the subject property was **two family residential district RU-2**. **The purpose of RU-2** zone was to provide residential areas in which duplexes may be constructed and occupied.
3. During the 1986 Comprehensive Plan process, the land use (zoning) district designation of the subject property was changed to **Native Area (NA)**.
4. **Section 9.5-210 states that the purpose of the NA district** is to establish areas that are undisturbed with the exception of existing solid waste facilities and because of their sensitive environmental character should be preserved in their natural state.
5. BOCC Resolution No. 157-1991, signed on April 24, 1991, changed the land use district from Native Area (NA) to Improved Subdivision (IS).
6. **Section 9.5-213 states that the purpose of the IS district** is to accommodate the legally vested residential rights of the owners of lots in subdivisions that were lawfully established and improved prior to the adoption of this chapter.
7. **Section 9.5-511(d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
8. This map amendment is predicated on item number **iii and iv of Section 9.5-511(d)(5)** which cites “data errors” and “new issues” as viable reasons to pursue a map amendment and zoning change.
9. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan shows that the lots with the IS designation in Breezeswept Beach Estates, received a FLUM designation of **Residential Medium (RM)**, consistent with their zoning district. However, these lots received the **Residential Conservation (RC)** designation, which corresponded with the land use district of Native Area.
10. **Based on Policy 101.4.1** of the Comprehensive Plan, the principal purpose of the Residential Conservation land use category is to encourage preservation of open space and natural resources while providing for very low-density residential development in areas characterized by a predominance of undisturbed native vegetation.
11. The proposed **Residential Medium (RM) FLUM** category corresponds with the existing **Improved Subdivision (IS)** designation.

12. **Policy 101.4.3 states that the principle purpose of the Residential Medium land use category** is to recognize those portions of subdivisions that were lawfully established and improved prior to the adoption of this plan and to define improved subdivisions as those lots served by a dedicated and accepted existing roadway, have an approved potable water supply, and have sufficient uplands to accommodate the residential uses.
13. **Goal 105 of the Comprehensive Plan states** that Monroe County shall undertake a comprehensive land acquisition program and smart growth initiative that recognizes that finite carrying capacity for new development in the Florida Keys.
14. **Policy 105.2.1** states that Monroe County shall designate all lands outside of mainland Monroe County into three general categories: Natural Area (Tier I); Transition and Sprawl Reduction (Tier II); and Infill Area (Tier III).
15. **Policy 105.2.1** further describes Tier III lands as areas where new development and redevelopment are to be highly encouraged.
16. **Goal 102** of the Comprehensive Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands. The proposed map amendment proposes no expansion of the development into the environmentally sensitive lands.
17. **Objective 101.11** of Comprehensive Plan states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
18. **The 2005 Public Facilities Capacity Assessment Report** and the listed programs on stormwater and wastewater indicate that there are no significant concerns regarding impacts on public facilities; and

WHEREAS, the Planning Commission made the following **Conclusions of Law:**

1. The lots are 'low quality' wetlands, as are many other developed lots in the subdivision. Permits required for development of such parcels include payment of mitigation monies into the Florida Keys Environmental Restoration Trust Fund, which will be utilized for wetland restoration and enhancement while designed to result in 'no net loss' of overall wetland habitat and function.
2. This map amendment meets the third (iii) and fourth (iv) criteria outlined in **Section 9.5-511** of the Monroe County Land Development Regulations and will not have a negative impact or alter the character of the properties or the immediate vicinity.

3. The proposed map amendments are supported by and consistent with **Goal 105 and Policy 105.2.1**, which will ultimately encourage development to an appropriately designated infill area, and hence away from an otherwise environmentally sensitive area.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, that the preceding findings support its decision to recommend **APPROVAL** to the Monroe County Board of County Commissioners of the following amendment to the Monroe County Year 2010 Comprehensive Plan, Future Land Use Map.

PASSED AND ADOPTED by the Planning Commission of Monroe County, Florida at a regular meeting held on the 13th day of July, 2005.

Lynn C. Mapes, Chair	<u>YES</u>
Denise Werling, Vice Chair	<u>YES</u>
Julio Margalli, Commissioner	<u>Absent</u>
James D. Cameron, Commissioner	<u>YES</u>
Department of Health (by FAX)	<u>YES</u>
Department of Public Works (by FAX)	<u>YES</u>
Department of Engineering (by FAX)	<u>YES</u>

PLANNING COMMISSION OF MONROE
COUNTY, FLORIDA

By _____
Lynne C. Mapes, Chair

Signed this _____ day of _____, 2005

DEVELOPMENT REVIEW COMMITTEE
RESOLUTION #D 20-05

DEVELOPMENT REVIEW COMMITTEE RESOLUTION NO. D 20-05

A RESOLUTION BY THE DEVELOPMENT REVIEW COMMITTEE **APPROVING** THE REQUEST BY CANDUS ANDRUS, RICHARD AND ANN BUCKHOLZ, AND FREDERICK ZYDECK TO AMEND THE FUTURE LAND USE MAP (FLUM) OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FOR THE FOLLOWING PROPERTIES FROM RESIDENTIAL CONSERVATION (RC) TO RESIDENTIAL MEDIUM (RM). THE PROPERTIES ARE PHYSICALLY LOCATED ON TRINIDAD ROAD AND ARE LEGALLY DESCRIBED AS BLOCK 1 LOTS 1, 2, 3, AND 4 BREEZESWEPT BEACH ESTATES, PB4-143, RAMROD KEY, MONROE COUNTY, FLORIDA. THE REAL ESTATE NUMBERS ARE 00200790.000000, 00200800.000000, 00200810.000000 AND 00200820.000000, AT APPROXIMATE MILE MARKER 27.5.

WHEREAS, the Development Review Committee, during a regular meeting held on June 9, 2005 conducted a review and consideration of the request filed by Candus Andrus, Richard and Ann Buckholz, and Frederick Zydeck to amend the Future Land Use Map designation of the following properties from Residential Conservation (RC) to Residential Medium (RM). The Land Use designation of each Lot is Improved Subdivision (IS). The properties are physically located on Trinidad Road and are legally described as Block 1 lots 1, 2, 3, and 4 Breezeswept Beach Estates, PB4-143, Ramrod Key, Monroe County, Florida. The Real Estate Numbers are 00200790.000000, 00200800.000000, 00200810.000000 and 00200820.000000, at approximate mile marker 27.5; and

WHEREAS, after further review of the application and consideration of facts, staff recommended approval to the Development Review Committee as indicated in the Staff Report dated June 2, 2005; and

WHEREAS, the Development Review Committee further reviewed the application and made the following **Finding of Facts**:

1. **The Advanced Identification of Wetlands (ADID) study**, mandated by the 2010 Comprehensive Plan, placed these lots within the 'low quality' disturbed wetland category. Development requires permits from Florida Department of Environmental Protection (FDEP) and the U.S. Army Corps of Engineers (ACOE).
2. Pre-1986 zoning of the subject property was **two family residential district RU-2**. **The purpose of RU-2** zone was to provide residential areas in which duplexes may be constructed and occupied.

3. During the 1986 Comprehensive Plan process, the land use (zoning) district designation of the subject property was changed to **Native Area (NA)**.
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8. This map amendment is predicated on item number **iii and iv of Section 9.5-511(d)(5)** which cites “data errors” and “new issues” as viable reasons to pursue a map amendment and zoning change.
9. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan shows that the lots with the IS designation in Breezeswept Beach Estates, received a FLUM designation of **Residential Medium (RM)**, consistent with their zoning district. However, these lots received the **Residential Conservation (RC)** designation, which corresponded with the land use district of Native Area.
10. **Based on Policy 101.4.1** of the Comprehensive Plan, the principal purpose of the Residential Conservation land use category is to encourage preservation of open space and natural resources while providing for very low-density residential development in areas characterized by a predominance of undisturbed native vegetation.
11. The proposed **Residential Medium (RM) FLUM** category corresponds with the existing **Improved Subdivision (IS)** designation.
12. **Policy 101.4.3 states that the principle purpose of the Residential Medium land use category** is to recognize those portions of subdivisions that were lawfully established and improved prior to the adoption of this plan and to define improved subdivisions as those lots served by a dedicated and accepted existing roadway, have an approved potable water supply, and have sufficient uplands to accommodate the residential uses.

13. **Goal 105 of the Comprehensive Plan states** that Monroe County shall undertake a comprehensive land acquisition program and smart growth initiative that recognizes that finite carrying capacity for new development in the Florida Keys.
14. **Policy 105.2.1** states that Monroe County shall designate all lands outside of mainland Monroe County into three general categories: Natural Area (Tier I); Transition and Sprawl Reduction (Tier II); and Infill Area (Tier III).
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17. **Objective 101.11** of Comprehensive Plan states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
18. **The 2005 Public Facilities Capacity Assessment Report** and the listed programs on stormwater and wastewater indicate that there are no significant concerns regarding impacts on public facilities; and

WHEREAS, the Development Review Committee made the following Conclusions of Law:

1. The lots are 'low quality' wetlands, as are many other developed lots in the subdivision. Permits required for development of such parcels include payment of mitigation monies into the Florida Keys Environmental Restoration Trust Fund, which will be utilized for wetland restoration and enhancement while designed to result in 'no net loss' of overall wetland habitat and function.
2. This map amendment meets the third (iii) and fourth (iv) criteria outlined in **Section 9.5-511** of the Monroe County Land Development Regulations and will not have a negative impact or alter the character of the properties or the immediate vicinity.
3. The proposed map amendments are supported by and consistent with **Goal 105 and Policy 105.2.1**, which will ultimately encourage development to an appropriately designated infill area, and hence away from an otherwise environmentally sensitive area.

NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA, that the preceding findings support its decision to recommend **APPROVAL** to the Monroe County Planning Commission of the proposed amendment to the Monroe County Year 2010 Comprehensive Plan, Future Land Use Map.

PASSED AND ADOPTED by the Development Review Committee of Monroe County at a regular meeting held on the 9th day of June, 2005.

Aref Joulani, Senior Administrator of Development Review	<u>YES</u>
Heather Beckmann, Planner	<u>YES</u>
Ralph Gouldy, Sr. Administrator of Environmental Resources	<u>YES</u>
David Dacquist, Director of Island Planning	<u>YES</u>
Department of Health (by FAX)	<u>YES</u>
Department of Public Works (by FAX)	<u>YES</u>
Department of Engineering (by FAX)	<u>YES</u>

DEVELOPMENT REVIEW COMMITTEE OF
MONROE COUNTY, FLORIDA

By _____
Aref Joulani, DRC Chair

Signed this _____ day of _____, 2005